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APR 09 2024

U.S. DISTRICT COURT

2:23-CV-845-HCN

22

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

NOTICE OF GARNISHMENT AND EXEMPTIONS

YOUR MONEY MAY BE TAKEN TO PAY A CREDITOR.

PLEASE READ THIS NOTICE CAREFULLY

The attached Writ of Garnishment and Answers to Garnishee Interrogatories have been issued on request of a creditor (the plaintiff) who sued you and won and got a judgment against you (or a prejudgment Writ of Garnishment has been issued against you). This means that money held for you by the garnishee (such as your bank or employer) may be taken by the Plaintiff to pay a judgment against you. If you are not sued but own an account with someone who was sued, read this Notice too.

The law provides that certain monies cannot be taken to pay judgments. Such money is said to be exempt. The following is a partial list of funds that are exempt:

- * Social Security Benefits
- * Supplemental Security Income (SSI)
- * Certain Pensions
- * Unemployment Benefits
- * Public Assistance (Welfare)
- * Part of your wages (all of your wages if the Writ of Garnishment is issued prior to any judgment being rendered against you)
- * Property or money of a person who did not have a judgment entered against them.
- * Alimony or Child Support
- * Veterans' Benefits
- * Workers' Compensation benefits

There may be additional exemptions. There is no exemption solely because you are having difficulty paying your debts. The above exemptions may not apply to judgments for alimony and child support.

The law also recognizes that if the money or property that are to be taken belong to you, but the judgment is not against you, your money should not be taken.

If you are a co-owner of property that is taken, you should request a hearing to protect your share.

IF THE MONEY IN AN ACCOUNT DOES NOT BELONG TO YOU, OR IF YOU ARE AWARE OF OTHER REASONS WHY THIS MONEY SHOULD NOT BE TAKEN, YOU MAY WANT TO CONSULT AN ATTORNEY.

Because of the garnishment, your place of employment or your financial institution or other person was required to hold the amount of money claimed by the plaintiff. This means that you may not now withdraw or get this money.

If you believe that the Writ of Garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, or that you are entitled to an exemption, DO THE FOLLOWING IMMEDIATELY. You have a deadline of ten (10) days from the date the plaintiff mailed or delivered this notice to you.

1. If funds in your account were garnished, on the attached "Request for Hearing" check the appropriate box(es) in paragraph one.
2. If your wages were garnished, on the attached "Request for Hearing" check the appropriate boxes in paragraph two.
3. Sign your name in the space indicated and provide the address where the Court Clerk is to notify you of the hearing.

A KNOWINGLY-MADE FALSE STATEMENT ON THE FORM MAY SUBJECT YOU TO CRIMINAL PENALTIES.

4. Mail or take the *Request for Hearing* to the Court Clerk within ten (10) days from the date this notice was mailed or delivered to you. Mail a copy of the Request for Hearing to the garnishee. Keep the second copy of the "Request for Hearing" for your records. The Clerk of Court will set the matter for hearing and notify you. You have a right to a hearing within ten (10) days from the date the Clerk of Court receives your claim. At the hearing in Court, you will have to prove that your money is exempt. You should bring any documents which may help to prove your money is exempt.

You may wish to consult an attorney for advice or assistance concerning the hearing. If you do not come to Court on the designated time and prove that the garnishment was issued improperly, that the answers to the interrogatories are inaccurate, or that your money is exempt, you may lose some of your rights.

If you do not request a hearing within the time specified above, but you believe that the garnishment was issued improperly, that the answers to interrogatories are inaccurate or that you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you by filing papers with the Court.

**APOTHECARY MOVEMENT, LLC, a Utah
limited liability company
Plaintiff,**

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*
*

**vs.
BH ELEGANT LINENS dba AA WHOLESALE
DEALS, and Swift Innovations
Defendant,**

CIVIL NO. 2:23-cv-00845

A. ☐ I believe that the Writ of Garnishment was issued improperly. (Explain)

B. ☐ I believe that the Answers to Interrogatories are inaccurate. (Explain)

☐ Other (describe)

D. Check one box:

- ☐ All funds in my account are exempt.
- ☐ I believe that \$ _____ of the amount in my account is exempt. (Fill in the dollar amount you believe is exempt.)

E. Check if applicable

- ☐ I claim ownership of all or part of the money or property taken and I am not one of the persons against whom a judgment has been entered.

F. Check if applicable

- ☐ I have attached copies of the documents that show that my money is exempt.

II. **Respond to these items if all or part of your wages were garnished.**

- A. ☐ I believe that the writ of garnishment was issued improperly. (Explain)

- B. ☐ I believe that the Answers to Interrogatories are inaccurate. (Explain)

- C. ☐ I believe that all or part of my wages are exempt from garnishment. (Explain) _____

THE STATEMENTS MADE IN THIS REQUEST ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I HEREBY REQUEST THAT THIS MATTER BE SET FOR A HEARING. I HAVE SENT A COPY OF THIS REQUEST FOR HEARING TO THE GARNISHEE.

DATED THIS _____ DAY OF _____, 20____.

*(Please
type or
print)*

Name: _____

Address: _____

Telephone: _____

Signature: _____

BANK OF AMERICA 

Bank Of America N.A., Legal Order Processing, DE5-024-02-08
P.O. Box 15047, Wilmington, DE 19850

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First Class Mail
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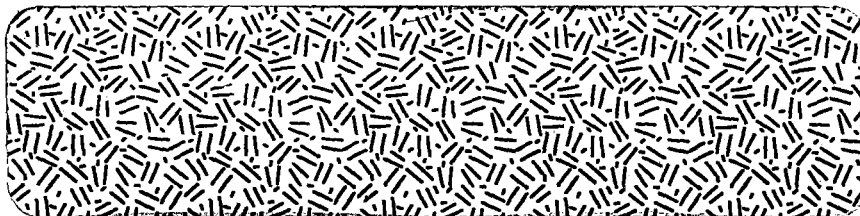


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